



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 14, 1994

Mr. Mike Atkins
McMahon, Tidwell, Hansen,
Atkins & Peacock, P.C.
4001 East 42nd, Suite. 200
Odessa, Texas 79762

OR94-541

Dear Mr. Atkins:

As counsel for the Ector County Independent School District (the "district"), you ask whether certain information is subject to required public disclosure under the Texas Open Records Act, Government Code chapter 552. We assigned your request ID# 25048.

The district received a request for information relating to a document entitled, "A Vision - A Voice," which was distributed by the district to its students. The requestor asked for the following:

- A. Copy of said document.
- B. Any and all information, documents and correspondence regarding whether this information was provided to all [district] students. If not,
 - 1. what age groups were involved;
 - 2. what schools;
 - 3. whether it was based on any racial or ethnic considerations; and,
 - 4. any other consideration not so listed above.
- C. Any and all information, documents and correspondence relating to who proposed said document.
- D. Any and all information, documents and correspondence relating to who authorized said document.
- E. Any and all information, documents and correspondence relating to who prepared said document.
- F. Any and all information, documents and correspondence as to how said document was distributed: Whether through the U.S. mail or classroom dissemination.

G. Any and all information, correspondence and documents, whether financial or otherwise, relating to the cost of said distribution in at least, but not limited, to the following particulars:

1. brand and cost of paper utilized in the distribution;
2. cost of envelopes used in the distribution;
3. postal fees;
4. reproduction costs;
5. man-hours required in preparation of said document;
6. man-hours required in processing said distribution, i.e.,
 - a. reproduction
 - b. envelope stuffing
 - c. other distribution processes.

H. Any and all information, documents and correspondence relating to the purpose of said distribution.

I. Any and all information, documents and correspondence relating to whether said distribution or information on said distribution might be construed as violative of State or Federal law.

You state that the district has responded to the request by producing each document that is responsive. You have included a copy of your response for our perusal. While you do not contend that any of the requested information should be withheld, you are concerned that the district is unaware of any documents that exist which are responsive to a number of the requests. You are specifically concerned with items B, C, D, E, F, G, H, and I.

Section 552.002 of the Government Code defines a public record as

... the portion of a document, writing, letter, memorandum or other written, printed, typed, copied, or developed material that contains public information.

A request under the code must sufficiently identify the information requested, and a governmental body may ask for clarification if it cannot reasonably understand a particular request. Open Records Decision Nos. 304 (1982); 23 (1974). The governmental body has an obligation to make a good faith effort to relate a request to information that it holds or to advise the requestor as to the kinds of records available to assist him in narrowing his request. Open Records Decision Nos. 561 (1990) at 8; 87 (1975). However, it is well established that a governmental body is not required to obtain new information in response to a request. *Economic Opportunities Dev. Corp. v. Bustamante*, 562 S.W.2d 266 (Tex. Civ. App.--San Antonio 1978, writ dism'd w.o.j.); Attorney General Opinion JM-672 (1987); Open Records Decision Nos. 452 (1986); 342 (1982); 87 (1975); *see also* Open Records Decision Nos. 572, 561, 555 (1990). It is implicit in various provisions of the code that it applies only to information already in existence.

We have reviewed the information which you have submitted and conclude that you have apprised the requestor of the information which is in your possession and that you have forwarded such information to the requestor as provided by the provisions of the code. Chapter 552 of the Government Code does not require you to prepare information which does not exist in response to items B through K of the request letter.

Because case law and prior open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact this office.

Yours very truly,



Toya Cirica Cook
Assistant Attorney General
Open Government Section

TCC/SLG/rho

Ref.: ID#25048

Enclosures: Submitted documents

cc: Mr. Dale Keeton
4132 Lynbrook
Odessa, Texas 79762
(w/o enclosures)